In the United States Court of Federal Claims

No. 19-1464C (Filed: January 27, 2020)

MARK DOWNEY,))
Pro Se Plaintiff,) Pro Se; Failure to Prosecute; RCFC 41
v.)
THE UNITED STATES,)
Defendant.)))

ORDER

On January 9, 2020, the court issued an order (Docket No. 7, attached) directing Mr. Downey to file a response to the defendant's motion to dismiss by January 17, 2020 in order to proceed with his case, and that failure to respond could result in the dismissal of his case for failure to prosecute under Rule 41(b) of the Rules of the United States Court of Federal Claims ("RCFC"). A review of court records indicates that Mr. Downey has not responded to the defendant's motion to dismiss. The above-captioned case is therefore **DISMISSED** without prejudice under RCFC 41(b) for failure to prosecute. The Clerk of the Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

NANCY B. FIRESTONE

Senior Judge

In the United States Court of Federal Claims

No. 19-1464C (Filed: January 9, 2020)

MARK DOWNEY,))
Pro Se Plaintiff,	<i>Pro Se</i>; Order Directing ResponsesRCFC 7.2(b)
v.))
THE UNITED STATES,))
Defendant.)))

ORDER

On September 23, 2019, pro se plaintiff, Mark Downey, filed a complaint in this court alleging that the United States ("the government") "plagiarized" his proposal for a universal identification card when it implemented the Real ID. Mr. Downey also alleges that the government improperly ignored or destroyed his "whistleblower complaints," and violated the Eighth Amendment to the United States Constitution, the Americans with Disabilities Act ("ADA"), the Dodd-Frank Act, as well as various civil rights provisions. On November 14, 2019, the government filed a motion to dismiss Mr. Downey's complaint for lack of subject matter jurisdiction under Rule 12(b)(1) of the Rules of the United States Court of Federal Claims ("RCFC").

Under RCFC 7.2(b)(1), a response to a motion to dismiss under RCFC 12(b) must be filed within 28 days after service of the motion. An additional three days are added after the period would otherwise expire if service is made by mail. RCFC 6(d). A review of court records indicates that Mr. Downey has not filed a response to the government's motion to dismiss. Accordingly, the court **ORDERS** Mr. Downey to respond to the

¹ This is Mr. Downey's third complaint filed in this court: including *Downey v. United States*, 19-899C (dismissed for lack of subject matter jurisdiction) (on appeal), *Downey v. United States*, 19-1325C (dismissed for failure to prosecute), *Downey v. United States*, 19-1730C (dismissed for lack of subject matter jurisdiction), *Downey v. United States*, 19-1631C (pending), and *Downey v. United States*, 19-1707C (pending).

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defendant's motion to dismiss by **Friday**, **January 17**, **2020**. Failure to respond may result in dismissal for lack of prosecution. RCFC 41(b).

IT IS SO ORDERED.

VANCY B. FIRESTONE

Senior Judge